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6 ***E-FILED 11/8/06***

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 06-0074 RMW
12)
Plaintiff,) **STIPULATION TO CONTINUE**
13) **HEARING AND EXCLUDE TIME;**
v.) **[PROPOSED] ORDER**
14)
JAMES FITZGERALD,)
15)
Defendant.)
16)

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Monday, October 23, 2006, should be continued to December 11, 2006. The defense requests
20 the continuance because the defense and the government require additional time to complete
21 investigation. In addition, the parties require additional time for settlement negotiations.

22 The parties further agree that time should be excluded under the Speedy Trial Act from
23 October 23, 2006, to December 11, 2006, because the defense requires time for investigation and
24 preparation, and the ends of justice outweigh the defendant's and the public's need for a speedy
25 trial.

1 Dated: 10/20/06

/s/
LARA S. VINNARD
Assistant Federal Public Defender

3 Dated: 10/20/06

/s/
SUSAN KNIGHT
Assistant United States Attorney

5
6 **ORDER**

7 The parties have jointly requested a continuance of the hearing set for October 23, 2006,
8 on grounds that investigation by the defense and the government is ongoing.

9 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
10 presently set for October 23, 2006, be continued to December 11, 2006, at 9:00 a.m.

11 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
12 from October 23, 2006, to December 11, 2006, shall be excluded from the period of time within
13 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

14
15 Dated: 11/8/06

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge